IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.BALAKRISHNAN NAIR
&
THE HONOURABLE MR. JUSTICE T.R.RAMACHANDRAN NAIR

THURSDAY, THE 13TH SEPTEMBER 2007 / 22ND BHADRA 1929

WP(C).No. 2496 of 2006(V)

PETITIONER:

IDICULLA THOMAS, MANJAPPILLY HOUSE,
KARUKONE, ALAYAMON, PATHANAPURAM,
KOLLAM DISTRICT.

BY ADV. SRI.JOHNSON GOMEZ

RESPONDENTS:
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1. THE DEPUTY SUPERINTENDENT OF POLICE
PUNALUR.

2. THE CIRCLE INSPECTOR OF POLICE,
ANCHAL.

3. THE SUB INSPECTOR OF POLICE,
ANCHAL POLICE STATION, KOLLAM.

4. SUNNY VARGHESE, VILAYIL BRICKS,
THEKKEBHAGOM, PUTHAYAM, KARAKONE, PATHANAPURAM.

BY GOVT. PLEADER SRI.P.A.SALIM.

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 13/09/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

PETITIONER'S EXHIBITS:-

Ext.P1: **Copy of the judgment dtd.13th October, 2003 in WP(C).No.18507/2003 of this Hon'ble Court.**

Ext.P2: **Copy of the judgment dtd.9th February, 2005 in OS.No.132 of 2003 of the Munsiff's Court, Punalur.**

Ext.P3: **Copy of the decree dtd.9th February, 2005 in OS.No.132 of 2003 of the Munsiff's Court, Punalur.**

Ext.P4: **Copy of the complaint dtd.20th December, 2005 submitted by the petitioner before the second respondent.**

RESPONDENTS' EXHIBITS:- **NIL.**

(true copy)

P.S. TO JUDGE.

Kvs/-

K. Balakrishnan Nair &
T.R. Ramachandran Nair, JJ.

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W.P.(C).NO.2496 of 2006-V

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Dated this the 13th day of September, 2007

JUDGMENT

Balakrishnan Nair J.

The petitioner has approached this court feeling aggrieved by the alleged actions of the 4th respondent in violation of Ext.P2 judgment and Ext.P3 degree. He moved for police protection to ensure that the 4th respondent or his men do not remove earth in violation of Exts.P2 and P3. When the police did not render help, this writ petition is filed. No statute confers any power or duty on the police to go into the violation of a judgment or decree of a civil court and remedy the violation. If the allegation is true, the petitioner has to move the execution court. Therefore, the prayer for police protection made in this writ petition to execute a decree cannot be granted.

Accordingly, the writ petition is closed without prejudice to the right

of the petitioner to move the competent civil court if the decree is violated by the 4th respondent.

(K. Balakrishnan Nair, Judge.)

(T.R. Ramachandran Nair, Judge.)

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